

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMARIO F. EDWARDS,

Defendant.

Case No. 2:12-CR-0175-KJD-VCF

ORDER

Before the Court is Defendant Demario F. Edwards' Unopposed Motion to Withdraw Guilty Plea (#113). Defendant pled guilty under the collective understanding that his Nevada state attempted burglary conviction was a "crime of violence" under U.S.S.G. §4B1.2(a). However, subsequent to Defendant's plea, the Ninth Circuit decided United States v. Edwards, which indicates that Defendant's prior conviction was not a "crime of violence." 12-10204, 2013 WL 4105532 (9th Cir. Aug. 15, 2013). The Government concedes that this intervening change constitutes a "fair and just" reason for withdrawal. United States v. Ortega-Ascanio, 376 F.3d 879, 883 (9th Cir. 2004). Having reviewed the Motion and good cause appearing, Defendant's Motion to Withdraw Guilty Plea (#113) is **HEREBY GRANTED**.

DATED this 28th day of October 2013.



Kent J. Dawson
United States District Judge